

REMARKS

The Office Action dated January 23, 2007 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 5 and 9-10 have been canceled, claim 6 has been amended, and claims 11-18 are newly presented for the Examiner's consideration. The rejections of remaining rejected claims are traversed.

102 Rejections

Claims 1, 3, 6 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Causey, III et al. (US 6,641,533). The Office Action states:

Regarding the one-way transmission of data, Causey, III et al. further discloses that the computer 6 (monitoring portion) is capable of receiving data from the medical device module 200 for analysis (Column 23, Lines 49- 52 and Figure 10), but does not disclose the computer 6 transmits data back to the medical device module 200 (as demonstrated by the one-way arrow to the communication station in Figure 10). Therefore, Causey, III et al. discloses a one-way communication channel between the treatment machine (200, 400) and the monitoring device 6, such that the treatment machine 400 is not affected by a data-processing software being operated by the monitor device 6, and therefore is capable of operating without said monitoring device.

Applicant traverses the rejection on the grounds specified. In the cited passage of Causey III et al, the computer 6 is a remotely located computer (col. 24, l. 10) and is not "positioned together at a treatment location" as required in claim 1. Also, the medical device module 200 is not a "treatment unit including components that deliver medical treatment to a patient" as specified in the claim. In addition to the above, claim 6, as amended, also recites "wherein the monitor device provides at least one enhanced information not provided by the treatment machine" which is not described by Causey III et al.

103 Rejections

Claims 2, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Causey, III et al. in view of Gilcher et al.. (US 6,113,554). The Office Action relies on Gilcher et al for the teaching that a monitor unit and treatment unit can be commonly housed. Whether or not Gilcher et al teaches the limitations of the rejected dependent claims, the support for the rejection of the base claims is absent. Therefore the rejection of the claims is not supported by the cited references.

Applicants' failure to argue with particularity against the rejections of the dependent claims does not constitute an acquiescence to those rejections, but rather a recognition that those rejections are moot based on the remarks herein.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this Application in view of the foregoing remarks.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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